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QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

Belgium*, Chile, Denmark, Finland*, France, Germany, Greece*, Italy, Luxembourg*, Malta*, Mexico, Nepal, Poland*, Portugal*, Slovakia*, South Africa, Spain*, Switzerland* and Uganda: draft resolution

1997/... Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Recalling its resolution 1996/11 of 11 April 1996 and reaffirming the Vienna Declaration and Programme of Action which stated the need for a concerted effort to ensure recognition of economic, social and cultural rights at the national, regional and international levels,

Taking note of the work carried out by the Committee on Economic, Social and Cultural Rights, the working group on structural adjustment programmes and

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

economic, social and cultural rights, and other relevant intergovernmental and non-governmental organizations, in particular the structural adjustment participatory review initiative of the World Bank.

1. Welcomes:

(a) The adoption by the United Nations Conference on Human Settlements (Habitat II), held in Istanbul from 3 to 14 June 1996, of the Istanbul Declaration on Human Settlements and the Habitat Agenda (A/CONF.165/14), in particular the reaffirmation of the commitment to the full and progressive realization of the right to adequate housing, as provided for in international instruments, and its definition of the role of the private sector and the civil society;

(b) The adoption by the World Food Summit, held in Rome from 13 to 17 November 1996, of the Rome Declaration on World Food Security and the World Food Summit Plan of Action, in particular the reaffirmation of the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger;

2. Notes with interest:

(a) The report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications concerning non-compliance with the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1997/105, annex);

(b) The proposals adopted by the Committee on Economic, Social and Cultural Rights at its fifteenth session to enhance the central role played by the Committee in the promotion and protection of economic, social and cultural rights, namely the proposal for the adoption of a programme of action for the Committee that would increase its ability to examine national reports and to assist interested Governments in their reporting duties and the proposal to recommend to the Commission the appointment of a special rapporteur on economic, social and cultural rights;

(c) The recommendations adopted by the working group on structural adjustment programmes and economic, social and cultural rights, in particular the appointment of an independent expert to study the effects of structural adjustment policies on the protection of economic, social and cultural rights;

3. Reaffirms:

(a) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person in harmony with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

(b) That all persons in all countries are therefore entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(c) The universality, indivisibility, interdependence and interrelationship of all human rights and fundamental freedoms and that promoting and protecting one category of rights should therefore never exempt or excuse States from the promotion and protection of other rights;

4. Calls upon all States:

(a) To secure, through national development policies and international cooperation, full respect for economic, social and cultural rights, giving priority to the individuals, most often women, and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(b) To promote the effective and wide participation of representatives of civil society in the decision-making processes related to the promotion and protection of economic, social and cultural rights;

(c) To consider the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific national benchmarks designed to give effect to minimum essential levels of enjoyment of economic, social and cultural rights;

5. Calls upon States parties to the International Covenant on Economic, Social and Cultural Rights:

(a) To submit their reports to the Committee on Economic, Social and Cultural Rights in a regular and timely manner as recommended in the statement of the human rights treaty bodies adopted during the World Conference on Human Rights;

(b) To promote the participation of representatives of civil society in the preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

6. Decides:

(a) To request the High Commissioner for Human Rights and the relevant human rights mechanisms and treaty bodies to give, within their mandates, greater attention to the protection of economic, social and cultural rights;

(b) To request the Secretary-General to submit reports to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session, under the relevant agenda items on progress towards the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights, giving due reflection to:

(i) The views of all relevant national and international organizations, governmental or non-governmental on the opportunity and resource implications of appointing a special rapporteur to encourage the promotion and protection of economic, social and cultural rights in general and

(ii) Their reactions to the report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications concerning non-compliance with the International Covenant on Economic, Social and Cultural Rights (E/CN.4/1997/105, annex);

(c) To request the High Commissioner for Human Rights to give appropriate consideration to the proposed plan of action designed to enhance the ability of the Committee on Economic, Social and Cultural Rights to assist interested Governments in their reporting obligations and its capacity to process and follow up on the examination of those reports.